

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NEXTPOINT, INC.,)	
)	
Plaintiff,)	Case No. 08-CV-4593
)	
v.)	Honorable Blanche Manning
)	
NEXTPOINT NETWORKS, INC.,)	Magistrate Judge Maria Valdez
)	
Defendant.)	

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff Nextpoint, Inc., by its attorneys, Novack and Macey LLP, pursuant to Rule 65 of the Federal Rules of Civil Procedure, respectfully moves for entry of a Preliminary Injunction against Defendant Nextpoint Networks, Inc. to:

A. Preliminarily enjoin Defendant, its employees, agents, officers, owners, directors, attorneys, representatives, successors, affiliates, branches, subsidiaries, successors and assigns, and all those in concert or participation with any of them from imitating, copying, advertising, promoting, registering, using, reproducing or displaying in any manner whatsoever in United States commerce:

1. the name "Nextpoint," Plaintiff's "Nextpoint" standard character mark, Plaintiff's "Nextpoint" design mark/logo, and any other name or mark which colorably imitates or is confusingly similar to said name or mark, or that contributes to said colorable imitation or confusing similarity, alone or in combination with any other name(s), mark(s), term(s), word(s), logo(s), symbol(s), device(s), designation(s), and/or design(s) on or in connection with any product or service; and

2. any other designation, description or representation or any other thing calculated or likely to cause or contribute to confusion or mistake or to deceive or contribute to deception of the public into the belief, that Defendant or its services and/or products are approved by or connected or related in any way to Plaintiff; and

B. Grant Plaintiff such other and further relief which the Court deems just and proper.

WHEREFORE, for the reasons set forth in Plaintiff's Memorandum of Law in Support of its Motion for Preliminary Injunction, filed contemporaneously herewith, Plaintiff Nextpoint, Inc., asks that the requested preliminary injunction be granted.

Respectfully submitted,

NEXTPPOINT, INC.

By: /s/ Richard L. Miller II
One of Their Attorneys

Eric N. Macey
Richard L. Miller II
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CERTIFICATE OF SERVICE

I, Richard L. Miller II, an attorney, hereby certify that I caused a copy of the foregoing Plaintiff's Motion For Preliminary Injunction to be served upon the following in the listed manners:

VIA U.S. MAIL

Nextpoint Networks, Inc.
c/o The Company Corporation
2711 Centerville Road, Suite 400
Wilmington, DE 19808

VIA U.S. MAIL AND ELECTRONIC MAIL

Andrew N. Spivak
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on this 14th day of August 2008.

/s/ Richard L. Miller II
Richard L. Miller II